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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,098	07/22/2003	Hiroki Akano	FUJA 20.519 (100794-00459)	8771
26304	7590	05/08/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			STOICA, MARIA	
			ART UNIT	PAPER NUMBER
			3715	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,098

Applicant(s)

AKANO, HIROKI

Examiner

Maria Stoica

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 35-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed on 9 November 2005, currently amended claims 1, 4-5, and 8-13, previously presented claims 2-3 and 6-7, and newly added claims 35-42 have been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 5-11 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims are single means claims (i.e., a laser transmitter comprising a modulator (claims 5-9), an apparatus comprising a judgment unit (claim 10), a controller having a modulator (claim 13)), where a means recitation does not appear in combination with another recited means, and are therefore subject to undue breadth rejection. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983). The only means of the claim covers every conceivable structure for achieving the stated

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property, and is held as non-enabling as the specification discloses at most only those procedures known to the inventor.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 and 35-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Varshneya et al. (US Patent No. 6,386,879).

Regarding claims 1, 5, 9-10, and 13, Varshneya discloses a laser/transmitting receiving system for target practice including a laser transmitter and a laser receiver, wherein the laser transmitter has a modulator for modulating a transmitting laser signal by position information of said laser transmitter and time information (col. 4, lines 43-47) and wherein the laser receiver has an information extractor for extracting the time and position information from a received laser signal and a judgment unit for judging a shot effect using the extracted time and position information (col. 4, lines 58-65).

Regarding claims 2, 9, 13, and 35, Varshneya discloses that the laser transmitter transmits the modulated laser signal in response to a signal from a shooting apparatus of a weapon (col. 2, lines 57-59).

Regarding claims 3, 6, and 9, Varshneya discloses that the position information is of the shooting side position finder (col. 4, line 46).

Regarding claims 4, 8, and 35, Varshneya discloses that the position information is continuously updated (i.e., a GPS signal is used, col. 2, lines 62-65).

Regarding claims 7 and 35, Varshneya discloses that the modulator further transmits shot ammunition type information (col. 4, line 45).

Regarding claim 11, Varshneya discloses that the judgment unit judges the shot effect in accordance with a distance obtained from position information extracted from a laser signal received by a receiver and position information of the receiver and a time difference obtained from time information extracted from the received laser signal and time information of the receiver (col. 4, lines 50-65).

Regarding claim 12, Varshneya discloses a modulator that transmits shot ammunition type information (col. 4, line 45) as well as a judgment unit judges the shot effect in accordance with a distance obtained from position information extracted from a laser signal received by a receiver and position information of the receiver and a time difference obtained from time information extracted from the received laser signal and time information of the receiver (col. 4, lines 50-65). It is therefore inherent that, since the ammunition information parameter is sent to the target, the value would be taken into consideration if sent in calculating the shot effect.

Regarding claim 35, Varshneya discloses that the laser signal is sent in the shot direction since the emitter is placed in the bore of the gun (col. 2, line 58). Furthermore, Varshneya discloses that ID number and shot weapon type information are also transmitted (col. 4, line 45).

Regarding claim 36, as previously discussed, the shooting side position finder also generated time information and emits this along with the rest of the information in the laser signal directed at the target (col. 4, lines 58-65).

Regarding claims 37-41, Varshneya discloses that shot ammunition type, shot weapon type, time, velocity, and a 3D reference field (i.e., GPS data has (x,y,z) coordinates) are all parameters used in realistically simulating a shot effect (col. 5, lines 3-10; col. 4, lines 43-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Varshneya in view of Berger (US Patent No. 6,813,593). Varshneya discloses smoke generators to realistically simulate the shot (col. 3, line 49). However, Varshneya does not expressly disclose varying the amounts of smoke based on the evaluated shot effect. However, Berger discloses a battle simulator where the amount of smoke released to simulate a shot is based on the accuracy of the shot (col. 2, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the varying of the smoke release amount in order to simulate more closely to real-life the shot effect.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Stoica whose telephone number is (571) 272-5564. The examiner can normally be reached on M-F: 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS


KATHLEEN MOSSER
PRIMARY EXAMINER